

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12331 of 2017

Arising Out of PS.Case No. -461 Year- 2015 Thana -FORBESGANJ District- ARRARIA

- =====
1. Lal Muni, S/o Late Halim Meiyen.
 2. Nazir @ Md. Nazir, S/o Hashim, Both residents of Village- Aurahi,
Kamat Tola, Police Station- Forbesganj (Simraha), District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha

For the Opposite Party/s : Mr. Sri Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 24-03-2017 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners apprehend their arrest in connection
with Forbesganj (Simraha) P.S. Case No. 461 of 2015, registered
for the offences punishable under Sections 498, 366(A) and 376 of
the Indian Penal Code.

Allegedly, the petitioners are not named in the F.I.R.
but during investigation the statement of the victim girl was
recorded wherein she has stated that the petitioners also committed
illegal acts with her.

Submission is of false implication and that the
petitioners have been implicated with oblique motive, the police
after completing investigation submitted final form against the



petitioners vide final report no. 177 of 2015 vide Annexure-3, the victim was kidnapped by Munna and Rupesh, but one line has been added in the statement recorded under Section 164 of Cr.P.C. against the petitioners also resulting they are apprehending their arrest. The learned Magistrate after differing with the opinion of investigating officer has taken cognizance against the petitioners also and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances as stated above, considering that the victim in her statement recorded under Section 164 of Cr.P.C. has stated the names of the petitioners that they also committed illegal acts and, as such, I am not inclined to grant privilege of pre-arrest bail to them and accordingly their such prayer stands rejected in connection with Forbesganj (Simraha) P.S. Case No. 461 of 2015 (G.R. No. 2659 of 2015), pending in the Court of learned Chief Judicial Magistrate, Araria.

(Jitendra Mohan Sharma, J.)

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